IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23103 of 2004

Between:

Smt. A. Madhavi Latha, W/o. Raja Ratnam Babu,
K V R Government Degree College for Women, Kurnool - 518 001.

..... PETITIONER

AND

1 The Branch Manager, United India Insurance Company Limited,
Ananthapur Branch, Ananthapur Town & District.
2 The Divisional Manager, United India Insurance Company Limited,
Divisional Officer, Ananthapur, Ananthapur District.
3 The Regional Manager, United India Insurance Company Limited,
Regional Office, Basheerbagh Centre, P B No. 1020, Hyderabad - 29

.....RESPONDENT(S)

Petition field under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus directing the respondents to pay the matured amount of Rs.5,00,000/- with interest thereon @ 18% p.a. from
1-9-1999 till the date of payment to the petitioner who is the registered nominee of the insured, relating to the Janatha Personal Accident Insurance Policy bearing No. Pol.D/051004/47/56/10/1/49348/96 Dt.
10-12-1996 issued in favour of A. Frank Racheal W/o. P.L. Johanus, the insured, in full satisfaction of the claim, declaring that the insistence on the production of a succession certificate as a condition precedent in the circumstances of the case is a highly unjust, improper contrary to law, violative of the statutory and contractual obligation the Fundamental Rights and the principles of natural justice and to grant such other, or further reliefs which the Hon'ble Court may be pleased to deem fit, just and proper in the circumstances of the case.

Counsel for the Petitioner:MR.YALLABANDI RAMATIRTHA

Counsel for the Respondents: ---------

The Court at the stage of admission made the followingorder:

ORDER:

The petitioner seeks a direction to the respondents to pay a sum of Rs.5 lakhs, with interest at 18% per annum from 01-09-1999, on the strength of a Janatha Personal Accident Insurance Policy, dated 10-12-1996, issued in favour of her mother, A.Frank Racheal.

Heard the learned counsel for the petitioner.

The claim of the petitioner is based upon an Insurance Policy. The terms of the policy as well as the entitlement of the petitioner are to be interpreted by a Court, after recording evidence on the relevant issues. It is not possible to undertake such exercise in a writ petition, under Article 226 of the Constitution of India. The petitioner can avail the remedy, either by filing a suit, or by approaching the Consumer Redressal Forum.

Hence, the writ petition is disposed of, leaving it open to the petitioner to work out her remedies by instituting proceedings before the appropriate forum. There shall be no order as to costs.

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L. NARASIMHA REDDY, J.

Dt.14-12-2004.

KO

To

1 The Branch Manager, United India Insurance Company Limited, Ananthapur Branch, Ananthapur Town & District.
2 The Divisional Manager, United India Insurance Company Limited, Divisional Officer, Ananthapur, Ananthapur District.
3 The Regional Manager, United India Insurance Company Limited, Regional Office, Basheerbagh Centre, P B No. 1020, Hyderabad – 29

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